Jennifer C. Pizer (Admitted *Pro hac vice*)
Carmina Ocampo (Admitted *Pro hac vice*)
LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC.
4221 Wilshire Blvd., Suite 280
Los Angeles, California 90010
Telephone: 213.382.7600
Facsimile: 213.351.6050
Email: jpizer@lambdalegal.org
cocampo@lambdalegal.org

Paul F. Eckstein (Bar No. 001822)
Daniel C. Barr (Bar No. 010149)
Kirstin T. Eidenbach (Bar No. 027341)
Barry G. Stratford (Bar No. 029923)
Alexis E. Danneman (Bar No. 030478)
PERKINS COIE LLP
2901 North Central Avenue, Suite 2000
Phoenix, Arizona 85012-2788
Telephone: 602.351.8000
Facsimile: 602.648.7000
Email: PEckstein@perkinscoie.com
DBarr@perkinscoie.com
KEidenbach@perkinscoie.com
BStratford@perkinscoie.com
ADanneman@perkinscoie.com
DocketPHX@perkinscoie.com

Attorneys for Plaintiffs Nelda Majors, Karen Bailey, David Larance, Kevin Patterson, George Martinez, Fred McQuire, Michelle Teichner, Barbara Morrissey, Kathy Young, Jessica Young, Kelli Olson, Jennifer Hoefle Olson, Kent Burbank, Vicente Talanquer, C.J. Castro-Byrd, Jesús Castro-Byrd, Patrick Ralph, Josefina Ahumada and Equality Arizona

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Nelda Majors; Karen Bailey; David Larance; Kevin Patterson; George Martinez; Fred McQuire; Michelle Teichner; Barbara Morrissey; Kathy Young; Jessica Young; Kelli Olson; Jennifer Hoefle Olson; Kent Burbank; Vicente Talanquer; C.J. Castro-Byrd; Jesús Castro-Byrd; Patrick Ralph; and Josefina Ahumada; and Equality Arizona

Plaintiffs,

v.

Michael K. Jeanes, in his official capacity as Clerk of the Superior Court of Maricopa

No. 2:14-cv-00518-JWS

REPLY BRIEF IN SUPPORT OF MOTION FOR TEMPORARY RESTRAINING ORDER OF PLAINTIFF FRED MCQUIRE

(ORAL ARGUMENT REQUESTED)

County, Arizona; Will Humble, in his official capacity as Director of the Department of Health Services; and David Raber, in his official capacity as Director of the Department of Revenue,

Defendants.

I. INTRODUCTION

Plaintiff Fred McQuire hopes to be recognized as an equal citizen under the laws of his home state for at least a brief period during his lifetime. As Fred expressed it:

> [George] and I both served our country honorably in the military. George became disabled and lost his life as a result of his military service, and I continue to suffer my own serious health problems. All George and I have wanted is the same courtesies and support that are provided to other married couples who have spent a lifetime of work in service to their community, state, and country.

[Doc. 66 at ¶ 17]

After 45 years in a committed life partnership, Fred McQuire now is an elderly man, on his own, struggling with serious health problems, and deeply grieving the loss of his husband. Surely the Framers of our U.S. Constitution and Bill of Rights intended the protections proudly enshrined in those founding documents to do their work for the living and be honored in real time, not only after lengthy litigation; otherwise, these guarantees will be consigned to work for Fred as they have for George—in memorium. Let it not be the case here that "[j]ustice too long delayed [becomes] justice denied." Martin Luther King, Jr., *Letter from a Birmingham Jail* (1963), *available at* http://www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html.

Defendants offer a theory about marriage—that it exists to manage the irresponsible sexual conduct of heterosexuals and to bind them (mostly accidental fathers) to the offspring they otherwise would abandon. [Doc. 70 at 9-11] Defendants contend in particular that society has a compelling need to bind these unintended children to their genetic parents, and that excluding same-sex couples from marriage is constitutionally sound because same-sex couples do not contribute to this problem (in fact, they often help alleviate it). [*Id.*] Defendants further assert that the Constitution permits this withholding of legal protections and recognition from same-sex couples and their children as a class in order to reinforce messages designed to induce better behavior from heterosexuals. [*Id.*] In the recent words of the Seventh Circuit panel that unanimously rejected this theory,

"Go figure." *Baskin v. Bogan*, Nos. 14-2386 to 14-2388, 14-2526, 2014 WL 4359059, at *10 (7th Cir. Sept. 4, 2014).

Like Indiana and Wisconsin, Arizona here does not support this view with peer-reviewed scientific evidence.[1] Nor do they address the now-lengthy list of federal court decisions rejecting this set of notions as analytically incoherent and factually baseless. [*See, e.g.*, cases cited in Doc. 64, at n. 1] Instead, they offer a cornucopia of decisions that pre-date the Supreme Court's key decisions concerning the rights of gay, lesbian and bisexual Americans and, most tellingly, *United States v. Windsor*, 133 U.S. 2675 (2013). [Doc. 70, 3-13] And they attempt—in vain—to avoid controlling Ninth Circuit precedent requiring that anti-gay classifications be subjected to heightened equal protection review. *SmithKline Beecham Corp. v. Abbott Laboratories*, 740 F.3d 471, 483 (9th Cir. 2014).

The Seventh Circuit unanimously rejected the arguments the defendants advance here and held that the marriage bans of Indiana and Wisconsin violate same-sex couples' equal protection rights. *Baskin*, 2014 WL 4359059 at *9-11, 19. Previously, the Fourth and Tenth Circuits rejected these and other arguments and concluded that the marriage bans of Virginia, Oklahoma, and Utah, respectively, deprive same-sex couples of due process. *See, e.g., Bostic v. Schaefer*, No. 14-1167, No. 14-1169, No. 14-1173, 2014 WL 3702493, at *16-17 (4th Cir. July 28, 2014); *Bishop v. Smith*, Nos. 14-5003, 14-5006, 2014 WL 3537847, at *6-8 (10th Cir. July 18, 2014); *Kitchen v. Herbert*, 755 F.3d 1193, 1219-22 (10th Cir. 2014). These appellate decisions lead the nationwide wave of federal district court decisions recognizing the unconstitutionality of state laws excluding same-sex couples from marriage.[2] Defendants' reliance on arguments overwhelmingly rejected in

[1] Defendants cite multiple articles that appear to be the work of policy advocates rather than social scientists publishing in peer-reviewed professional journals. [*See* generally Doc. 70] Plaintiff has not attempted to evaluate the argument and, perhaps, evidence submitted in the *Connolly* case, which Defendants reference in their opposition memorandum.

[2] The audio recordings of the September 8, 2014 arguments before Judges Reinhardt, Gould and Berzon in the cases challenging the laws of Idaho, Nevada and Hawaii, respectively, doubtless have inspired some to anticipate that the Ninth Circuit may soon reach a similar conclusion.

this post-*Windsor* era, with nothing new, confirms Plaintiff's likelihood of success on the merits.

Defendants are similarly unresponsive when addressing the other factors that determine whether a temporary restraining order is proper. They ignore the cases cited by Plaintiff in which federal district courts recently have granted limited, as-applied relief to protect individual plaintiffs or a small number of plaintiff couples from imminent, irreparable harm where permitting them to marry or recognizing their valid out-of-state marriages will allow equality, dignity and peace of mind in the face of an urgent health crisis or following the death of one spouse. [*See, e.g.*, Doc. 64 at n. 2] Defendants' reference to Supreme Court orders staying decisions striking marriage restrictions for an entire state are not apposite. [Doc. 70 at 2] These are not decisions on the merits.

Further, Defendants do not identify any appreciable concrete costs or difficulties that would burden the State if Plaintiff receives a proper death certificate now, naming him as the surviving husband of George Martinez and identifying Mr. Martinez as having been married; if the Supreme Court were to rule next year or thereafter that *Windsor* is being widely misread and state marriage bans are constitutional, Arizona easily will be able to issue an amended death certificate for Mr. Martinez, changing his marital status to "never married" and erasing Plaintiff from the State's official record. Although of immeasurable importance to Plaintiff, such a series of events—affecting one man, his sister-in-law and his small circle of friends—would be of indiscernible consequence to the population of Arizona as a whole. Judge Posner put the point this way, "Given how small the percentage [of gay people] is, it is sufficiently implausible that allowing same-sex marriage would cause palpable harm to family, society, or civilization to require the state to tender evidence justifying its fears; it has provided none." *Baskin*, 2014 WL 4359059, at *17. Defendants' claim that honoring one marriage would harm the State of Arizona is remarkable. There is no question here in which direction the balance of harms and public interest point.

II. THE REQUIREMENTS FOR A TEMPORARY INJUNCTION ARE MET.

Plaintiff has demonstrated in his memorandum in support of his motion for a temporary restraining order, which incorporates by reference the arguments and evidence presented in support of his prior motion with George Martinez for a preliminary injunction motion ("Plaintiffs' PI Memorandum"), that the four requirements for such an order are satisfied here. Ignoring the raft of post-*Windsor* cases invalidating state laws that bar same-sex couples from marriage, Defendants instead seek to turn the clock back to an earlier era. As explained below, each of Defendants' efforts to do so is unavailing.

A. A Large And Steadily Growing Body Of Federal Case Law Confirms That Plaintiff Is Likely To Succeed On The Merits.

Plaintiff's TRO and PI memoranda, together with the memorandum all plaintiffs submitted in support of their summary judgment motion, show why Plaintiff is likely to succeed on the merits of both his Equal Protection and his Due Process claims. And now the Seventh Circuit, with *Baskin v. Bogan*, 2014 WL 4359059, has added another forceful voice to the chorus in favor of equal rights and dignity for same-sex couples. Nothing Defendants cite in their opposition to this motion undermines that likelihood of success.

1. *Baker v. Nelson* does not foreclose Plaintiff's claims.

Each of the courts that has reached the merits in a post-*Windsor* federal challenge to a state marriage ban has had to address whether the summary disposition for want of a substantial federal question in *Baker v. Nelson*, 409 U.S. 810 (1972), forecloses plaintiffs' claims. With resounding consistency, and little difficulty, the courts have recognized that times indeed have changed and there have been more than sufficient "doctrinal developments" to warrant application of the exception provided for in *Hicks v. Miranda*, 422 U.S. 332, 344 (1975). *See, e.g., Bostic*, 2014 WL 3702493 at *6-8; *Kitchen*, 755 F.3d at 1204-08. As Judge Posner put it for the unanimous Seventh Circuit panel last week, "*Baker* was decided in 1972—42 years ago and the dark ages so far as litigation over discrimination against homosexuals is concerned." *Baskin*, 2014 WL 4359059, at *7. He added that the series of landmark Supreme Court decisions vindicating the rights of gay

people—such as *Romer v. Evans*, 517 U.S. 620, 634-36 (1996); *Lawrence v. Texas*, 539 U.S. 558, 5779 (2003), and *United States v. Windsor*—"make clear that *Baker* is no longer authoritative." *Id.*; *see also* David B. Cruz, *Baker v. Nelson*: Flotsam in the Tidal Wave of *Windsor's* Wake (forthcoming in 3 IND. J. L. & SOC. EQUALITY (2014)), *available at* http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2491268.

2. **Heightened scrutiny applies to Plaintiff's claims.**

Defendants' attempts to avoid controlling Ninth Circuit precedent and ignore persuasive decisions of sister circuits perhaps unintentionally confirm Plaintiff's likelihood of success. Strict, or at least, heightened scrutiny applies to both of Plaintiff's constitutional claims. *SmithKline*, 740 F.3d at 484 (applying heightened scrutiny to sexual orientation classifications), *en banc review denied*, 2014 WL 2862588 (9th Cir. 2014, June 24, 2014); *Bostic*, 2014 3702493, at *10 (burdens on fundamental right to marry); *Kitchen*, 755 F.3d at 1218 (same). Defendants' asserted countervailing State interests present nothing new. As discussed below, this element of the test for an interim injunction is well satisfied.

a. Defendants' efforts to distinguish *SmithKline* are futile.

SmithKline holds that heightened scrutiny applies to sexual orientation classifications like the marriage exclusion at issue here. 740 F.3d at 480-81. Defendants offer multiple reasons why that decision should not control in this case. [Doc. 70 at 3-5] They contend first, implausibly, that a law explicitly limiting marriage to heterosexual pairings does not discriminate against gay couples based on sexual orientation. [*Id.* at 11] Defendants assert that such a law does not discriminate against same-sex couples because it also excludes polyamorous relationships and unidentified others. [*Id.*] But, of course, a law can discriminate on multiple grounds and anyone excluded may require the State to justify, to constitutional standards, the exclusion or exclusions that affect them. Plaintiff challenges Arizona's different-sex requirement and this requirement explicitly classifies and discriminates based on sexual orientation. [Doc. 64 at 7]

Second, Defendants contend that Arizona's marriage ban does not intentionally exclude same-sex couples because the exclusion has such aged roots. But the Arizona legislature's amendments to A.R.S. § 25-101(C) and A.R.S. § 25-112(A) manifest that body's express intention to make sure that same-sex couples are excluded from marriage in the state and that valid marriages they enter into elsewhere are denied the recognition other out-of-state married couples receive without question. [Doc. 59 at 10] Further still, proponents of the successful 2008 marriage amendment remove any residual doubt about their anti-gay intentions; they describe married same-sex couples as a threat to Arizona, especially children in the state. [*Id*. at 11] Such messages are pernicious and harmful to gay, lesbian and bisexual people of all ages, and to their family members, including their minor children. *Windsor*, 133 S. Ct. at 2695; *Baskin*, 2104 WL 4359059, at *6.

Third, and foreshadowing their main (misguided) argument in defense of the marriage ban, Defendants assert that *SmithKline* does not apply because the capacity for biological procreation is relevant in a marriage case, where it was not in a case about jury selection. [Doc. 70 at 4.] But *SmithKline*'s conclusion that anti-gay classifications require heightened scrutiny was not a function of the jury selection context. It was the product of the court's analysis of *Windsor* (a case about same-sex couples and marriage). *See SmithKline*, 740 F.3d at 479-84. Defendants appear to confuse the analysis through which courts ascertain the form of equal protection scrutiny appropriate for particular classifications, with consideration of State interests that may, or may not, justify use of a classification. The conclusion in *SmithKline* that anti-gay classifications warrant heightened scrutiny sets a standard for all sexual orientation equal protection cases in this Circuit, regardless of context. Assertions about procreative capacity and intentions are to be considered, if at all, during the "state interests" phase of the analysis.

b. Arizona's marriage ban also must receive heightened scrutiny because it denies equal treatment based on sex.

Defendants are mistaken in their argument that the exclusion of same-sex couples cannot be seen to discriminate based on sex because the ban treats men as a class and

women as a class equally. [Doc. 70 at 5-6] To the contrary, however, as the Supreme Court repeatedly has confirmed, "[i]t is the individual . . . who is entitled to the equal protection of the laws, []not merely a group of individuals, or a body of persons according to their numbers." *Mitchell v. United States*, 313 U.S. 80, 97 (1941); *see also Adarand Constructors, Inc., v. Pena*, 515 U.S. 200, 227 ("[T]he Fifth and Fourteenth Amendments to the Constitution protect *persons*, not *groups*" (emphasis in original)); U.S. Const. amend. XIV, § 1 ("No State shall . . . deny to any *person* within its jurisdiction the equal protection of the laws." (emphasis added)).

The question thus is not whether an entire group is being treated unequally based on a shared characteristic as compared to another group, but whether an individual is being discriminated against based on that characteristic. This is what happens when Plaintiff is told that his marriage will not be recognized in Arizona because he is male, but it would be if he were female. *See also Kitchen v. Herbert*, 961 F. Supp. 2d 1181, 1206 (D. Utah 2013) (noting that *Loving* rejected similar arguments that the "equal application" of anti-miscegenation laws to different racial groups somehow immunized the law).[3]

c. A state law denying the fundamental right to marry or to have one's marriage respected receives strict scrutiny.

As discussed in Plaintiff's PI memorandum (Doc. 59 at 30), Defendants swim against a strong tide of well-reasoned federal court decisions applying strict scrutiny and specifically those of the Fourth and Tenth Circuits. *Bostic* and *Kitchen* both confirm that the long-established fundamental right to marry is the right to marry the person of one's choice—that right is defined by neither the sexual orientation nor the sex of either fiancé

[3] Numerous courts, including some in this Circuit, have recognized that discrimination against gay people because they form a life partnership with a same-sex rather than a different-sex partner is sex discrimination. *See In re Fonberg*, 736 F.3d 901, 901-03 (9th Cir. 2013) (holding that denial of health benefits to same-sex domestic partner of former U.S. District of Oregon law clerk "amounts to discrimination on the basis of sex" in violation of District's Employment Dispute Resolution plan); *Perry v. Schwarzenegger*, 704 F. Supp. 2d 921, 996; *Golinski v. U.S. Office of Pers. Mgmt.*, 824 F. Supp. 2d 968, 982 n.4 (N.D. Cal. 2012), *hearing en banc denied*, 680 F.3d 1104 (9th Cir. 2012), *appeal dismissed*, 724 F.3d 1048 (9th Cir. 2013); *In re Balas*, 449 B.R. 567, 577-78 (Bankr. C.D. Cal. 2011); *In re Levenson*, 560 F.3d 1145, 1147 (9th Cir. 2009); *Baehr v. Lewin*, 852 P.2d 44, 67-68 (Haw. 1993).

or spouse. *Bostic*, 2014 WL 3702493, at *8; *Kitchen*, 755 F.3d at 1208-18. Defendants seem eager to wish away Justice Kennedy's admonition in *Lawrence* that *Bowers* was "not correct" when it was decided because it failed "to appreciate the extent of the liberty at stake." *Lawrence*, 539 U.S. at 567, 578. Defendants' string cite of pre-*Windsor* state court decisions (Doc. 70 at 7) is not a seawall against the tide of recent federal authority.

d. The State must defend its exclusionary rules.

Defendants contend that, because the State may impose restrictions on who may marry and which out-of-state marriages will be recognized, it may impose any restrictions it wishes, without any duty to justify its burdens on that fundamental right or invidious classifications it may choose. [Doc. 70 at 7-8] Arizona may have constitutionally adequate justifications for its minimum age and consanguinity restrictions. Those limitations are not being tested here. Rather, Plaintiff challenges Arizona's decision to honor the marriages that heterosexual Arizona-resident couples celebrate in California and other states and countries, while denying recognition to him because—and only because—he has, consistent with his sexual orientation, married a man rather than a woman. As the Supreme Court noted repeatedly in *Windsor*, "[s]tate laws defining and regulating marriage, of course, must respect the constitutional rights of persons." 133 S. Ct. at 2675, 2691. Accordingly, Arizona must justify the marriage rule that injures this plaintiff. It has not done so.

2. Defendants' arguments in defense of the ban are unsound factually, irrelevant legally, and fail under any standard of review.

Defendants advance three familiar arguments, each of which Plaintiff has addressed in prior briefs. First, the State's assertions notwithstanding, Arizona's marriage ban does not advance a compelling state interest in binding children to their biological parents. Arizona certainly has a compelling interest in the welfare of children in this state. But nothing in Arizona's laws allowing assisted reproduction, adoption, and divorce indicates a primacy of genetic ties over other parental qualities, such as household stability, parenting commitment and skill, and adequate resources. And then there are the

children with same-sex parents, who also warrant the concern of courts and policymakers. [Doc. 59 at 24-25]; *see also Baskin*, 2014 WL 4359059, at *6; *Bostic*, 2014 WL 3702493 at *16-17.

Defendants' next argument fails because avoiding hypothetical future consequences of equality is not grounds for discrimination. [Doc. 70 at 11-12] As Judge Posner said it,

> [t]he state's second argument is: 'go slow'. . . . One would expect the state to have provided *some* evidence, *some* reason to believe, however speculative and tenuous, that allowing same-sex marriage will or may 'transform' marriage. . . . [T]he state's lawyer conceded that he had no knowledge of any study underway to determine the possible effects on heterosexual marriage in Wisconsin of allowing same-sex marriage.

Baskin, 2014 WL 4359059, at *19.

Third, Defendants' paean to majority rule notwithstanding, the Equal Protection and Due Process Clauses protect us all from discriminatory votes that abridge basic rights. [Doc. 59 at 38-40] That Virginia's miscegenation law had popular support was no answer to the Lovings' claim. That majorities enacted the marriage bans in Utah, Virginia, and other states has not shielded those bans from review. Judge Posner's riposte on this point is blunt:

> Wisconsin's remaining argument is that the ban on same-sex marriage is the outcome of a democratic process—the enactment of a constitutional ban by popular vote. But homosexuals are only a small part of the state's population . . . Minorities trampled on by the democratic process have recourse to the courts; the recourse is called constitutional law.

Baskin, 2014 WL 4359059, at *19. Plaintiff is likely to prevail on the merits.

B. Plaintiff Will Suffer Irreparable Dignitary Harm If Excluded From His Husband's Death Certificate And Also Will Be Barred From Pursuing Benefits He Needs To Avoid The Permanent Loss Of His Home.

Defendants are mistaken that temporary injunctive relief is inappropriate here because the Supreme Court has stayed injunctions affecting the same-sex-couple populations of entire states. Plaintiff has cited the cases relevant on this motion, which concern imminent death, death certificates, and similar urgently requests for relief to protect dignitary interests in specific, time-pressured circumstances. For example, in

Baskin, interim relief was ordered over the State of Indiana's objection, *see Baskin v. Bogan*, 983 F. Supp. 2d 1021, 1025, 1029-30 (S.D. Ind. 2014) (noting that "no court has found that preliminary injunctive relief is inappropriate simply because a stay may be issued" and granting preliminary injunctive relief); *Baskin v. Bogan*, 1:14-CV-00355-RLY, 2014 WL 1568884, at *5 (S.D. Ind. Apr. 18, 2014), and the district court denied the State's request for a stay, *Baskin v. Bogan*, 1:14cv-00355-RLY TAB; 1:14-CV-00404-RLY-TAB; 1:14-CV-00406-RLY-TAB-NJD, 2014 WL 2884868, at *15 (S.D. Ind. June 25, 2014).

Defendants misconstrue Plaintiff's irreparable harm claim concerning federal benefits. This is not simply a claim for a sum of money that could be recouped at a future date. Rather, it is about the opportunity to pursue claims necessary for saving his home, which is unique and irreplaceable. *See Woliansky v. Miller*, 661 P.2d 1145, 1147 (Ariz. Ct. App. 1983) ("Specific performance is ordinarily available to enforce contracts for the sale of real property because land is viewed as unique and an award of damages is usually considered an inadequate remedy.").

There is a limited window in time for Plaintiff to present his benefits claims to the relevant federal agencies. But, Arizona is blocking the door, with its marriage ban, which unconstitutionally denies Plaintiff and other Arizonans with a same-sex spouse an equal opportunity to make their arguments for federal rights and benefits to those agencies and, if warranted, to another court. *See, e.g., Garden State Equality v. Dow*, 216 N.J. 314 (N. J. 2013) (finding state's decision to deny same-sex couples access to marriage denied them opportunity to pursue federal benefits premised on marriage). [4]

[4] The minimum duration of marriage provisions for the federal benefits pose a question similar to the problem the Court is addressing in *Diaz v. Brewer*, 656 F.3d 1008 (9th Cir. 2011). The federal government has chosen to use a status, marriage, as the sole criterion for qualifying for certain benefits, and then intentionally excluded an historically disfavored class of persons from that status for decades, maintaining that exclusion until the Supreme Court struck it down last summer. Unless Arizona is permitted permanently to deprive Plaintiff of the opportunity to apply for federal benefits, he will in due course engage the federal agencies about whether the Constitution permits the federal government to intentionally exclude a class, and then require them to anticipate a future Supreme Court (or congressional) decision invalidating the exclusion, and so travel in

Defendants contend that Plaintiff is not harmed by Arizona's refusal to recognize his marriage because provisions of federal law may render him ineligible for benefits. Defendants again are mistaken; Arizona harms Plaintiff by blocking the door. That is the problem presented to this Court on this motion.

C. The Balance Of Equities Decisively Favors The Requested Relief.

In the words of a unanimous New Jersey Supreme Court considering the State's request for a stay of the trial court's judgment for plaintiffs,

> the ongoing injury that plaintiffs face today cannot be repaired with an award of money damages at a later time. . . . Plaintiffs highlight a stark example to demonstrate the point: if a civil-union partner passes away while a stay is in place, his or her surviving partner and any children will forever be denied federal marital protections. The balance of hardships does not support the [state's] motion for a stay.

Garden State Equality, 216 N.J. at 328-29. Meanwhile, the State suffers nothing irreparable if the requested death certificate is issued. If, at the end of this case, Plaintiffs do not prevail, the certificate can be amended to remove Fred. *See id.* at 324 (denying state's motion for stay in part because "[t]he State has presented no explanation for how it is tangibly or actually harmed by allowing same-sex couples to marry").

D. The Public Interest Favors The Requested Relief.

For the reasons discussed in the motion, the public interest favors issuance of the restraining order. [Doc. 64 at 17] Illustratively, in *Garden State Equality*, the New Jersey Supreme Court asked the question thusly, "What is the public's interest in a case like this? [W]e can find no public interest in depriving a group of New Jersey residents of their constitutional right to equal protection while the appeals process unfolds." 216 N.J. at 329.

III. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court grant his request for a temporary restraining order.

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advance an arduous out-of-state path to acquire a status that avails them nothing, in order to qualify at some unknown future time for earned benefits offered to those with a different-sex spouse with no such duty to see the future and make a difficult out-of-state journey. The Equal Protection questions are obvious.

Dated: September 10, 2014

Respectfully submitted,

LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC.

By: s/ Jennifer C. Pizer

Jennifer C. Pizer (Admitted *pro hac vice*)
Carmina Ocampo (Admitted *pro hac vice*)
4221 Wilshire Blvd., Suite 280
Los Angeles, California 90010

Paul F. Eckstein
Daniel C. Barr
Kirstin T. Eidenbach
Barry G. Stratford
Alexis E. Danneman
PERKINS COIE LLP
2901 North Central Avenue, Suite 2000
Phoenix, Arizona 85012-2788

Attorneys for Plaintiffs Nelda Majors, Karen Bailey, David Larance, Kevin Patterson, George Martinez, Fred McQuire, Michelle Teichner, Barbara Morrissey, Kathy Young, Jessica Young, Kelli Olson, Jennifer Hoefle Olson, Kent Burbank, Vicente Talanquer, C.J. Castro-Byrd, Jesús Castro-Byrd, Patrick Ralph, Josefina Ahumada and Equality Arizona

CERTIFICATE OF SERVICE

☒ I hereby certify that on September 10, 2014, I electronically transmitted the attached documents to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Robert L. Ellman: robert.ellman@azag.gov

Kathleen P. Sweeney: kathleen.sweeney@azag.gov

Bryon Babione: BBabione@alliancedefendingfreedome.org

Jonathan Caleb Dalton: CDalton@alliancedefendingfreedom.org

James A Campbell: jcampbell@alliancedefendingfreedom.org

Kenneth J. Connelly: kconnelly@alliancedefendingfreedom.org

☒ I hereby certify that on September 10, 2014, I served the attached document by first class mail on Honorable John W. Sedwick, United States District Court, Federal Building and United States Courthouse, 222 West 7th Avenue, Box 32, Anchorage, Alaska 99513-9513.

s/ S. Neilson